

App. F. IX-4

Previous References

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File No. 2-40

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Later References.

6

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. One only

Part B for March 41.

SUBJECT.

Amendments to Defence of India Rules.

WD 0573-GPB-22,500-12-9-89

B.B. Shankar
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Defence of India Rules - amendments to 2-40-67

General and Revenue
Secretariat

File No.

of 194

[App. F. III-2

Serial
No.

From

The Secretary to the Hon'ble the President

73-40/15 dated 6.3.61

for amendments to Defence of India Rules

The amendments are to rules 9, and the addition of

new rules 13A, 51A, 51B & 51C.

As usual the amendments will be re-published.

Done
11.3.61

Done
11/3

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Done
15/3/61
Done
15/3

Index of 4720 figs 2-40-67 & 18.3.61 to Computer

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FROM

THE SECRETARY

TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore
Bangalore.

MEMORANDUM No. F.3-40/W.

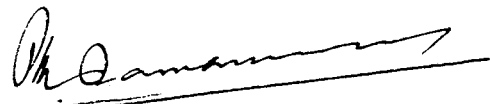
Dated Bangalore, the

6th March 1941.

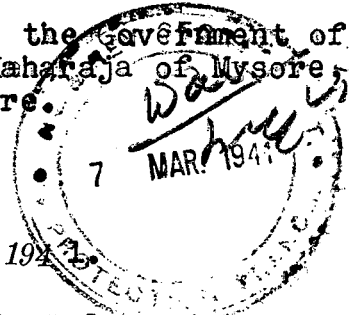
The Defence of India Rules.

Attention is invited to notifications

by the Government of India, Defence Co-ordination
Department, Nos.305-O.R./39, 542-O.R./40 and 713-
O.R./41, dated the 15th February 1941 and No.713-
O.R./41, dated the 19th February 1941, copies of
which are enclosed.



for SECRETARY TO THE RESIDENT.



VN

THE HON'BLE THE RESIDENT IN MYSORE.

NOTIFICATION.

No. F. 3-40/W, dated Bangalore, the 27th February 1941.

The following notifications of the Government of India, Defence Co-ordination Department, Nos. 305-OR/39, 542-OR/40, and 713-OR/41, dated the 15th February 1941 and No. 713-OR/41, dated the 19th February 1941, are republished.

P. M. RAMAN NAYAR,
for Secretary to the Resident.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

New Delhi, the 15th February 1941.

No. 305-OR/39.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendments shall be made in the Defence of India Rules, namely :—

In the said Rules—

(1) for sub-rule (1) of rule 9, the following sub-rule shall be substituted, namely :—

“(1) Without prejudice to the provisions of any other rule, the Central Government, as respects any prohibited place, and the Central Government or the Provincial Government, as respects—

- (a) any place or area declared by it to be a protected place or protected area, or
- (b) any other place or area in relation to which it appears to it to be necessary to take special precautions in the interests of the defence of British India, the public safety, the maintenance of public order, the efficient prosecution of war, or the maintenance of supplies and services essential to the life of the community,

may make orders for controlling or regulating the admission of persons to, and the conduct of persons in, and in the vicinity of, such place or area.”

(2) after sub-rule (2) of rule 9, the following sub-rules shall be inserted, namely :—

“(2a) An order made under this rule in respect of a prohibited place, protected place or protected area may exempt such place or area from all or any of the provisions of these rules which are expressed to apply to or in relation to a prohibited place, protected place or protected area as the case may be or may direct that all or any of the said provisions shall apply subject to such modifications as may be specified in the order.

(2b) An order made under this rule in respect of a place or area which is not a prohibited place, protected place or protected area may direct that all or any of the provisions of these rules which are expressed to apply to or in relation to a prohibited place, protected place or protected area as the case may be shall apply to or in relation to the place or area in respect of which the order is made either without modification or subject to such modifications as may be specified in the order.”

(3) in clause (c) of sub-rule (1) of rule 129, for the words, brackets, letter and figures: “protected place, protected area or any such place or area as in referred to in clause (c) of sub-rule (1) of rule 9”, the following shall be substituted, namely :—

“protected place or protected area, or any other place or area as respects which an order has been made under rule 9,”

A. DEC. WILLIAMS,
Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

New Delhi, the 15th February 1941.

No. 542-OR/40.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

After rule 130 of the said Rules, the following rule shall be inserted, namely :—

“130-A. Special provision regarding bail.—Notwithstanding anything contained in the Code of Criminal Procedure, 1898, no person accused or convicted of a contravention of these Rules shall, if in custody, be released on bail or on his own bond, unless—

- (a) the prosecution having given an opportunity to show cause against such release fails to show reasonable cause; and
- (b) where the contravention is of any such provision of these Rules as the Central Government may by notified order specify in this behalf, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such contravention”.

A. DEC. WILLIAMS,

Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT.

NOTIFICATION.

New Delhi, the 15th February 1941.

No. 713-OR/41.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendment shall be made in the Defence of India Rules, namely :—

After rule 51 of the said Rules, the following rules shall be inserted, namely :—

“51A. *Watching of premises to detect fire.*—(1) The Central Government or the Provincial Government may by general or special order make provision for requiring that persons shall always be present, or shall be present at such times as may be specified in the order, on premises to which the order applies, and shall perform such duties and have such powers in connexion with the detection and extinction of outbreaks of fire as may be specified in the order.

(2) Any police officer, or any other person authorised in this behalf by the Central Government or the Provincial Government, may at any time enter and inspect any premises to which any order made under sub-rule (1) applies for the purpose of seeing whether the order is being complied with.

(3) If any person contravenes any of the provisions of an order made under this rule, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

51B. *Measures for dealing with outbreaks of fire.*—(1) With a view to preventing the spread, or facilitating the extinction, of fire caused by incendiary bombs, the Central Government or the Provincial Government may by order make provision for requiring rooms or other spaces on premises to which the order applies to be cleared and kept clear of articles which are not affixed to the premises.

(2) Any police officer, or any person authorised in this behalf by the Central Government or the Provincial Government, may at any time enter and inspect any premises to which an order made under sub-rule (1) applies for the purpose of seeing whether the order has been complied with; and if that officer or person finds that the order has not been complied with, he may, without prejudice to any other proceedings which may be taken in respect of the contravention of the order, take such steps and use such force as may appear to him to be reasonably necessary for giving effect to the order.

(3) In the event of any outbreak of fire, any person authorised in this behalf by the Central Government or the Provincial Government, may take or cause to be taken such steps and give such directions as appear to him to be necessary for preventing the spread of fire; and the steps which may be so taken include entering upon any land or other property whatsoever and the destruction or removal of anything in, on or over any land or property.

(4) If any person contravenes any of the provisions of an order made under this rule, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

51C. *Protection of factories and mines.*—(1) The Central Government may by order require the owner, manager or agent of any mine, or the occupier or manager of any factory—

- (a) to make, within such period as may be specified in the order, a report in writing stating the measures which he has taken or is taking or proposing to take to secure the due functioning of the mine or factory, and the safety of persons and property therein and in the vicinity thereof, in the event of hostile attack;
- (b) to take, within such period as may be specified in the order, such measures as may be so specified, being measures the taking of which is in the opinion of the Central Government necessary for the purposes aforesaid.

(2) The Central Government may by order require any person or class of persons employed in or in connexion with, or resident within three miles of, any mine or factory, or class of mines or factories, or any local authority within whose jurisdiction any mine or factory is situated, to take, within such period as may be specified in the Order, such measures as may be so specified, being measures the taking of which is in the opinion of the Central Government necessary to secure the due functioning of such mine or factory, or class of mines or factories, and the safety of persons or property therein or in the vicinity thereof, in the event of hostile attack.

(3) Any person authorised in this behalf by the Central Government may at any time—

- (a) enter and inspect any factory or mine for the purpose of ascertaining what measures have been, or ought to be, taken to secure the due functioning of the mine or factory, and the safety of persons and property therein and in the vicinity thereof, in the event of hostile attack, or
- (b) enter and inspect any premises belonging to or occupied by any person or authority to whom an order made under sub-rule (1) or sub-rule (2) relates for the purpose of seeing whether the order has been complied with.

(4) If in the opinion of the Central Government any person or authority who has been ordered under sub-rule (1) or sub-rule (2) to take any measures has failed to take, or is unlikely to complete, the measures within the period specified in the order, then, without prejudice to any other proceedings which may be taken in respect of the contravention of the order, the Central Government may cause the said measures to be taken or completed and the cost thereof shall be recoverable ~~from such person or authority~~ by the Collector as if it were an arrear of land revenue *from such person or authority*.

(5) If any person contravenes any of the provision of an order made under this rule, he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both."

A. DEC. WILLIAMS,
Secretary to the Government of India.

DEFENCE CO-ORDINATION DEPARTMENT. NOTIFICATION.

New Delhi, the 19th February 1941.

No. 713-OR/41.—In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), the Central Government is pleased to direct that the following further amendments shall be made in the Defence of India Rules, namely :—

In sub-rule (4) of rule 51C of the said Rules, the words "from such person or authority" shall be omitted, and after the words "arrear of land revenue", the following shall be added, namely :—

"from such person or authority, or where such person is the manager or agent of a mine or the manager of a factory, from the owner of the mine or, as the case may be, the occupier of the factory."

A. DEC. WILLIAMS,
Secretary to the Government of India.

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GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

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General and Revenue Secretariat,

Dated Bangalore, ...~~XXXXXXXX~~.....1934

NOTIFICATION.

The following Notifications of the Govern-
ment of India, Defence Co-ordination Department,
are
are hereby republished for general information.

By order,

H. V. Narayana Rao

Secretary to Government
S. and Department

To

The Compiler, Mysore Gazette, for publication
in Part IV and sending 100 spare copies to this
office very early.

H. M. 12.